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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

(DIVISION BENCH)

CORAM : **Hon'ble Shri S.R. Nayak, CJ**
Hon'ble Shri Satish K. Agnihotri, J.

Misc. Appeal No. 533 OF 2005

APPELLANTS
CLAIMANTS

1. Premlal Gond, S/o Suklal
Aged 45 years,

2. Smt. Kamla Bai, W/o Premlal Gond
Aged 40 years, Both R/o Village
Banspahad P.S. Bortalab, Post
Bagarkasa Tahsil Dongargarh,
District - Rajnandgaon (C.G.)

Versus

RESPONDENTS

1. Parmanand Verma
S/o. Jagnnuram Verma
Aged about 25 years, R/o Village
Pithepani, Post - Bagarkasa, P.S.
Bagnadi, District Rajnandgaon
(C.G.)

2. Branch Manager
National Insurance Com. Ltd.
Kamthi Line, Rajnandgaon (C.G.)

Present:

Mr. Goutam Khetrapal, learned counsel for the appellants.

Mr. Sanjay K. Agrawal, learned standing counsel for respondent No.2.

ORAL ORDER
(Passed on 2nd of December 2005)

The following Order of the Court was passed by

S.R. Nayak, CJ:

While assailing the correctness of the impugned award the contention of the learned counsel for the appellants was that the deceased was fifteen years of age on the date of accident and the age of the parents

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- mother and father was 40 years and 45 years respectively, and therefore, the MACT ought to have applied multiplier 15 in terms of Second Schedule for the purpose of assessing loss of dependency. It was also contended that the Tribunal is not justified in not awarding any compensation under the heads of 'loss of filial love' and 'loss to estate'. The grievance of the appellants is justified. If we take the age of the deceased or average age of the parents for assessing loss of dependency, appropriate multiplier is 15, not 12. If we apply multiplier of 15, total loss of dependency would come to Rs.1,50,000/-. Further, we award a sum of Rs.20,000/- towards 'loss of filial love' and another Rs.20,000/- towards loss to estate.

(2) In the result, we award total compensation of Rs.1,92,000/- under the following heads:

(i)	Loss of dependency	:	1,50,000/-
(ii)	Loss of filial love	:	20,000/-
(iii)	Loss to estate	:	20,000/-
(iv)	Funeral expenses	:	2,000/-
	Total	:	1,92,000/-

with interest @ 6% per annum from the date of claim petition till payment. Accordingly, we allow the appeal in part and in substitution of the impugned award we award total compensation of Rs.1,92,000/-. Parties shall bear their respective costs in this appeal.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Subbu